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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182537
Party	Defendant Trademarks LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LORILLARD LICENSING COMPANY,  
LLC,

Opposer,

v.

TRADEMARKS LLC,

Applicant.

Opposition No. 91182532  
Opposition No. 91182537  
Opposition No. 91182538  
Opposition No. 91182539  
Opposition No. 91182540  
Opposition No. 91182542  
Opposition No. 91182543  
Opposition No. 91187122  
Opposition No. 91187123  
Cancellation No. 92049305

Marks:



Serial Nos. 77199750; 77199749;  
77199726; 77199736; 77199742;  
77199739; 77199746; 77430466;  
77430476  
Registration No. 3410179

**MOTION TO CONSOLIDATE**

Trademarks LLC (“Applicant”), through its undersigned counsel, hereby moves to consolidate Opposition Nos. 91187122 and 91187123 into “parent” Opposition No. 91182532 so they may be presented on the same record and briefs.

Fed. R. Civ. P. 42(a), as made applicable by Trademark Rule 2.116(a), provides that when actions involving a common question of law and fact are pending before the

Board, it may order the actions consolidated. See TBMP § 511; *Regatta Sport Ltd. v. Telux-Pioneer, Inc.*, 20 USPQ2d 1154, 1156 (TTAB 1991) (where the parties are the same and the proceedings involve substantially identical questions of fact and law the Board may consolidate proceedings); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382, 1384 n.3 (TTAB 1991) (proceedings involving common issues of law and fact consolidated).

In the present case, consolidation is appropriate because all of the oppositions involve common factual and legal issues. In particular, all of the applications involve Applicant's marks composed of the term L&M and a rectangle design with a horizontal stripe pattern covering the top three-quarters of the rectangle, and all of the applications involve identical goods, namely cigarettes in International Class 34. Moreover, Opposer alleges the same grounds for opposition in all of the proceedings: a likelihood of confusion based on its NEWPORT mark (Reg. No. 1191816) covering cigarettes in International Class 34. All of the oppositions also include a claim of dilution.

Further, all of the proceedings are still in the early stages of discovery. Under the circumstances, consolidation will substantially reduce the time, effort, and expense of the Board and the parties by allowing the litigation of these related cases on the same records and briefs.

Accordingly, Applicant respectfully requests that the Board grant its Motion to Consolidate Opposition Nos. 91187122 and 91187123 into "parent" Opposition No. 91182532, and set consolidated discovery and trial dates to correspond with those in Opposition No. 91182532.

Respectfully Submitted,

Dated: December 2, 2008

/Christopher P. Foley/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2008 a true and accurate copy of the foregoing MOTION TO CONSOLIDATE was served by first class mail, postage prepaid, upon counsel for Opposer:

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